

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,

v.

JOSE ERNESTO MOZQUEDA VASQUEZ,
JESUS BELTRAN, ANTONIO DE LA
MORA, JUAN SALUD GARCIA
ALMANZA, VIOLETTA ROSALIA
GUADARRAMA, ERNESTO LUNA
VASQUEZ, MARIA CENTENO
GALLEGOS, COLLIN MESINAS,
AUNDREA LYNN NATINS, WILLIAM
HAGMANN, JON DANIEL BROWNFIELD,
KIMBERLY BROOKE GRAY, REBECCA
SUE GODSALVE, MARK AGNEW, ISABELA
PACHECO CENTENO, TERESA GOOS,
DEREK JOHNSON, KAREN KENMIR,

Defendants.

NO. CR16-5600BHS

ORDER CONTINUING TRIAL DATE

This matter comes before the Court on the Parties' Motion to Continue Trial Date; Request for Status Conference. The Court has reviewed the motion, the responses to the motion, the government's Memorandum in Support of Parties' Motion to Continue Trial Date and waivers of speedy trial and waivers of presence filed by defense counsel and makes the following findings of fact and conclusions of law:

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2 1. In their joint motion, the government and joining Defendants have
3 demonstrated that discovery produced to date is voluminous and thousands of additional
4 pages are anticipated. This is a complex and large, multiple-defendant case and a
5 continuance is in order.

6 2. The Court set a status conference for February 6, 2017 to consider the motion
7 and early discovery issues, however, due to a snow occurrence the courthouse was
8 closed. The trial date is currently set for February 14, 2017, and arranging a status
9 conference before that date would be difficult and is unnecessary. If needed, a status
10 conference might be reset if requested by a party or the Court.

11 3. The questions before the Court are: What is a reasonable time in which
12 discovery can be produced and reviewed, and, what additional, reasonable time will be
13 necessary for the parties to prepare for trial after discovery is complete?

14 4. The Court anticipates entering an order appointing a discovery coordinator to
15 assist in cataloging, processing and distributing discovery in a useable format for the
16 defense to analyze and review.

17 5. The moving parties have demonstrated a need to continue the trial date to
18 allow the defense sufficient time to explore all the relevant issues and defenses applicable
19 to this case, and that this task cannot be adequately performed within the time limits
20 established by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(B)(ii).

21 6. While not all Defendants have joined in the motion to continue the trial date,
22 the Court has authority to continue a trial date of jointly charged defendants when not all
23 defendants have joined in the motion.

24 7. Taking into account the exercise of due diligence, a continuance is necessary to
25 allow the defense the reasonable time for effective preparation and to ensure continuity of
26 counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

27 8. Proceeding to trial absent adequate time for the defense to prepare would result
28 in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

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3 9. The ends of justice served by granting this continuance outweigh the best
4 interests of the public and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

5 10. At this time the government has failed to provide sufficient cause to support a
6 continuance of the duration requested. The parties should reasonably be expected to
7 accomplish trial preparation that would permit a trial date of August 29, 2017.

8 11. If any party subsequently determines that a further continuance is needed,
9 another motion can be filed with supporting justification.

10 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date is continued
11 from February 14, 2017, to August 29, 2017, at 9:00 a.m. The resulting period of delay
12 from January 6, 2017, to August 29, 2017, is hereby excluded for speedy trial purposes
13 under 18 U.S.C. § 3161(h)(7)(A) and (B).

14 Pretrial motions are due no later than July 14, 2017. Pretrial Conference is set for
15 August 21, 2017, at 10:00 a.m.

16 Dated this 8th day of February, 2017.

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21 BENJAMIN H. SETTLE
22 United States District Judge
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